

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

JEFFREY LEE SUTTON,

Plaintiff,

v.

CIVIL ACTION NO. 3:21-0109

WESTERN REGIONAL JAIL and  
CORRECTIONAL CENTER,  
SUPERINTENDANT CARL ALDRIDGE,  
MAJOR FLEMMING, and  
UNKNOWN CORRECTIONAL OFFICER,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Court grant Defendants' Motion to Dismiss (ECF No. 19); dismiss the Complaint (ECF No. 2), without prejudice; and remove this case from the docket of the Court. No objections to the Magistrate Judge's findings and recommendations have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **GRANTS** Defendants' Motion to Dismiss (ECF No. 19); **DISMISSES** the Complaint (ECF No. 2), **without prejudice**; and **REMOVES** this case from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: December 3, 2021

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE